

REMARKS/ARGUMENTS

After entry of this amendment, claims 3-35, 37-53, and 55-82 are pending in the application, with claims 58-81 withdrawn and claims 1-2 previously canceled. In this amendment, claims 36 and 54 are canceled, and claims 3, 4, 20, 21, 35, 37, 39, 46, 47, 53, 55 and 82 are amended.

In the office action dated February 25, 2004, the examiner objects to the specification, requiring that the current status of the parent application be included; makes final the restriction requirement, thereby withdrawing claims 58-81 from further consideration; rejects claims 4-19 and 37-38 under 35 U.S.C. 112, second paragraph, as being indefinite due to recitation of the word "it" in claims 4 and 37; rejects claims 3, 20, 53, and 82 under 35 U.S.C. 102(e) as anticipated by Olander (US Patent No. 5,997,924); rejects claim 54 under 35 U.S.C. 103 as being unpatentable over Olander (US Patent No. 5,997,924) in view of Marchignoni (US Patent No. 3,735,692); and objects to claims 21-36, 39-52 and 55-57 as being dependent upon a rejected base claim, these claims being allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

Priority

In response to the examiner's requirement that the application include the current status of the parent non-provisional application, applicant has amended the specification to note that parent U.S. Application Serial No. 09/832,409 is now U.S. Patent No. 6,546,847.

Claim Rejections – 35 USC § 112

The examiner rejects claims 4-19 and 37-38 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

which application regards as the invention, due to recitations of the word "it" in claims 4 and 37.

Applicant has amended claims 4 and 37 to remove the subject recitation. Accordingly, claims 4-19 and 37-38 should now be in condition for allowance, in accordance with the examiner's statement in office action paragraph 12, as claims 4 and 37 have also been amended to include all of the limitations of the base claim and any intervening claims (claims 5-19 being dependent on claim 4, and claim 38 being dependent on claim 37).

Claim Rejections – 35 USC § 102

The examiner rejects claims 3, 20, 53, and 82 under 35 U.S.C. 102(e) as anticipated by Olander (US Patent No. 5,997,924).

Applicant respectfully traverses the examiner's rejection of claims 3, 20, 53, and 82 under 35 U.S.C. 102(e). A claim is anticipated under 35 USC § 102(b) only if each and every element set forth in the claim is disclosed (i.e., identically described) in a single prior art reference. Applicant does not agree that the respective art cited by the examiner discloses each and every element of claims 3, 20, 53, and 82.

Regarding claim 3, Olander not disclose, teach or suggest, among other things, a dough mixer including a closed housing having two inner, essentially circular, juxtaposed and separated surfaces between which two casing surface sections extend which run in an arc and change in the upper and lower region into a flat surface section; and a kneading element including at least one fixed pin extending from an arm communicating with a drive shaft of the kneading element and having a longitudinal axis parallel to a rotational axis of the drive shaft; and a sleeve rotatably attached to each pin, the sleeve capable of free spin about a longitudinal axis of the fixed pin.

Regarding claim 20, Olander not disclose, teach or suggest, among other things, a dough mixer including a means for homogenizing and aerating the flour-like or dust-like ingredients by rotating a kneading element at a relatively high speed; a means for introducing liquid ingredients to the flour-like or dust-like ingredients; a means for preparing a dough mixture by rotating the kneading element at a lower speed to form and roll the dough into clumps; and/or a means for forming a single, balled together dough mass by rotating the kneading element at a lowest speed.

Regarding claim 53, Olander not disclose, teach or suggest, among other things, an oven including sources of infrared rays in the visible, the near-infrared, and the far-infrared range, wherein a cooking effect of the sources of infrared rays in the visible and the near-infrared rays predominate during the initial heating cycle, while a cooking effect of the sources of infrared rays in the far-infrared range gradually counterbalance during subsequent heating cycles.

Regarding claim 82, Olander not disclose, teach or suggest, among other things, a metering and dispensing device apportioning liquid or cream-like components to a pizza base by dropping the liquid or cream-like component on the pizza base thereunder, in a spiral, by rotating and shifting radially a dispensing feed tube over the pizza base.

Accordingly, applicant respectively requests that the examiner withdraw the rejection of claims 3, 20, 53 and 82 under 35 U.S.C. § 102(e).

Claim Rejections – 35 USC § 103

The examiner rejects claim 54 under 35 U.S.C. 103 as being unpatentable over Olander (US Patent No. 5,997,924) in view of Marchignoni (US Patent No. 3,735,692).

Applicant respectfully traverses the examiner's rejection of claim 54 under 35 U.S.C. § 103, but for reasons unrelated to patentability, applicant has canceled claim 54.

Allowable Subject Matter

The examiner objects to claims 21-36, 39-52 and 55-57 as being dependent upon a rejected base claim, but would find these claims allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Further, the examiner states that claims 4-19 and 37-38 would be allowable if rewritten to overcome the rejection(s) under 35 USC § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Claims 4, 21, 35, 37, 39, 46, 47 and 55 have been rewritten into independent form to include all of the limitations of the base claim and any intervening claims. Claims 5-19 depend from claim 4; claims 22-34 depend from claim 21; claim 38 depends from claim 37; claims 40-45 depend from claim 39; claims 48-52 depend from claim 47; and claims 56-57 depend from claim 55. Claim 36 was canceled.

Claims 4 and 37 have been rewritten to overcome the rejection(s) under 35 USC § 112, second paragraph, and, as mentioned above, have been rewritten to include all of the limitations of the base claim and any intervening claims.

Accordingly, applicant submits that claims 4-19, 21-35, 37-38, 39-52 and 55-57 are in condition for allowance.

Linking Claims

Applicant submits that claims 20, 35, 46, 53 and 82 are linking claims, as defined by M.P.E.P. § 806.05(e). Accordingly, if ultimately allowed, rejoinder, and examination of

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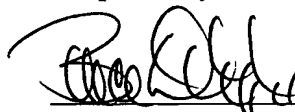
claims to the non-elected invention linked to the elected invention by the allowed linking claims, is required. M.P.E.P. § 809.04.

CONCLUSION

In light of the above remarks, applicant submits that pending claims 3-35, 37-53, 55-57 and 82 are allowable, requests that non-elected claims 58-81 be examined, and requests that the examiner issue an early notice of allowance. The examiner is invited to call the undersigned attorney in the event that a telephone interview will advance prosecution of this application.

Respectfully submitted,

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